

UNITED STATES OF AMERICA)
) 1:09-CR-144
v.)
) Collier/Carter
DONALD FILLERS, *et al.*)

Defendants Donald Fillers and the Watkins Street Project, LLC (“Defendants”) are charged with violations of various federal environmental laws relating to the improper disposal of asbestos. Defendants moved to suppress asbestos-containing samples obtained from Defendants’ lot (and all consequent “fruit of the poisonous tree”), on the ground that the samples were obtained in violation of the Fourth Amendment (Court File Nos. 84, 77). These motions were referred to United States Magistrate Judge William B. Mitchell Carter, who held a hearing and subsequently filed a report & recommendation (“R&R”) recommending Defendants’ motions be denied (Court File No. 219). Subsequently, Defendants filed, *inter alia*, a Third Motion to Supplement Suppression Hearing Evidence (Court File No. 223). Judge Carter filed an R&R recommending denying this motion, on the ground that the proposed evidence is irrelevant to the suppression issue (Court File No. 228). For the reasons expressed in the accompanying memorandum, the Court **ACCEPTS** and **ADOPTS** both R&Rs (Court File Nos. 219, 228). Accordingly, Defendants’ motions to suppress and to supplement the suppression hearing evidence are **DENIED** (Court File Nos. 84, 77, & 223).

ENTER:

/s/
CURTIS L. COLLIER
CHIEF UNITED STATES DISTRICT JUDGE